

*TFCN*

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

EASTER et al.

Serial No.: 10/549,686

Filed: March 22, 2004

Confirmation No.: 1119

Atty. File No.: 45568-00542

For: "IMPROVED APPARATUS AND  
METHOD FOR OSSICULAR FIXATION OF  
IMPLANTABLE HEARING AID ACTUATOR"

) Group Art Unit: Not Yet Assigned

) Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT**

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON OCTOBER \_\_\_\_ 2006.

MARSH FISCHMANN & BREYFOGLE LLP

*Marshall*  
By \_\_\_\_\_  
Teresa L. Marshall

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby submits the enclosed PTO Form 1449, although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application. Pursuant to the Official Gazette Notice of August 5, 2003, copies of any U.S. Patents or published U.S. Patent Applications are not being submitted herewith. Copies of any foreign patent and non-patent documents are submitted herewith.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

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Date: October 10, 2006

## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

OCT 16 2006

Docket Number (optional)  
45568-00542Application Number  
10/549,686Applicant(s)  
EASTER *et al.*Filing Date  
March 22, 2004Group Art Unit  
Not Yet Assigned

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	3,764,748	10/09/73	Branch <i>et al.</i>	607	57	
	2.	3,902,084	08/26/75	May, Jr.	310	8.1	
	3.	3,902,085	08/26/75	Bizzigotti	310	8.3	
	4.	4,287,616	09/08/81	Heimke <i>et al.</i>	3	1.9	
	5.	4,462,401	07/31/84	Burgio	128	303	
	6.	4,462,402	09/31/84	Burgio <i>et al.</i>	128	303	
	7.	4,487,210	12/11/84	Knudsen <i>et al.</i>	128	785	
	8.	4,498,461	02/12/85	Håkansson	128	1	
	9.	4,774,933	10/04/88	Hough <i>et al.</i>	600	25	
	10.	4,904,233	02/27/90	Håkansson <i>et al.</i>	600	25	
	11.	5,085,628	02/04/92	Engebretson <i>et al.</i>	600	25	

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

a.	U.S. Patent Application Serial No.10/351,682 entitled "Apparatus for Connection of Implantable Devices to the Auditory System", filed January 27, 2003.
b.	Kodera <i>et al.</i> ; Evaluation of the Ceramic Vibrator in the Cat; Adv. Audiol., vol. 4, pp. 97-106 (Karger, Basel 1988)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	12.	5,144,952	09/08/92	Frachet et al.	128	642	
	13.	5,220,918	06/22/93	Heide et al.	128	420.6	
	14.	5,277,694	01/11/94	Leysieffer et al.	600	25	
	15.	5,282,858	02/01/94	Bisch et al.	623	10	
	16.	5,460,593	10/24/95	Mersky et al.	600	25	
	17.	5,486,197	01/23/96	Le et al.	606	232	
	18.	5,527,342	06/18/96	Pietrzak et al.	606	232	
	19.	5,584,695	12/17/96	Lal Sachdeva et al.	433	173	
	20.	5,624,376	04/29/97	Ball et al.	600	25	
	21.	5,702,342	12/30/97	Metzler et al.	600	25	
	22.	5,720,631	02/24/98	Carson et al.	439	668	

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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

c.	Gyo et al.; Measurement of Stapes Vibration Driven by the Ceramic Vibrator of Middle Ear Implant – Human Temporal Bone Experiments; Adv. Audiol., vol. 4, pp. 107-116 (Karger, Basel 1988)

EXAMINER

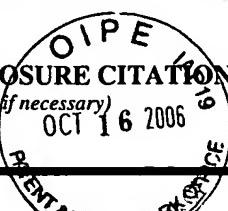
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	23.	5,735,790	04/0798	Håkansson et al.	600	25	
	24.	5,788,711	08/04/98	Lehner et al.	606	130	
	25.	5,800,336	09/01/98	Ball et al.	600	25	
	26.	5,840,078	11/24/98	Yerys	606	151	
	27.	5,899,847	05/04/99	Adams	600	25	
	28.	5,904,483	05/18/99	Wade	433	173	
	29.	5,935,170	08/10/99	Håkansson et al.	623	16	
	30.	5,951,601	09/14/99	Lesinski et al.	623	10	
	31.	5,954,628	09/21/99	Kennedy	600	25	
	32.	5,984,859	11/16/99	Lesinski	600	25	
	33.	5,993,376	11/30/99	Kennedy	600	25	

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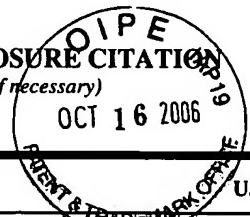

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	34.	6,001,129	12/14/99	Bushek et al.	623	10	
	35.	6,039,685	03/21/00	Bushek	600	25	
	36.	6,190,306	02820/01	Kennedy	600	25	
	37.	6,277,148 B1	08/21/01	Dormer	623	10	
	38.	6,398,717	06/04/02	Leysieffer et al.	600	25	
	39.	2002/0095063	07/18/02	Kroll et al.	600	25	
	40.	6,482,144	11/19/02	Müller	600	25	
	41.	6,537,199	03/25/03	Müller et al.	600	25	
	42.	6,540,661	04/01/03	Müller	600	25	
	43.	6,547,715	04/15/03	Müller et al.	600	25	
	44.	6,620,110	09/16/03	Schmid	600	559	

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	45.	6,705,985 B2	03/16/04	Easter et al.	600	25	
	46.	2004/0147804 A1	07/29/04	Schneider et al.	600	25	
	47.	6,945,999 B2	09/20/05	Schneider et al.	623	10	
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